

# **EXHIBIT D**

**Ament-Stone, Nathaniel**

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**From:** Ament-Stone, Nathaniel  
**Sent:** Friday, May 15, 2020 12:34 PM  
**To:** 'Jill Manning'; 'Timothy G. Parilla'; 'Walter W. Noss'; Lauer, Eliot; Semmelman, Jacques  
**Cc:** Derek Brandt; Allan Steyer; Stephanie Hackett; Todd Schneider; Kyle Bates; Robert J Palmersheim; Anand C. Mathew; Mrkonic, Matthew G.  
**Subject:** RE: External: RE: Ali - Discovery from GIAG and Pacorini Vliss  
**Attachments:** 2020-05-15 - GIAG AW Vliss Discovery Defs.' Proposal.docx; Proposed GIAG Rule 30(b)(6) deposition topics (Defs.' edits).docx

Counsel:

We have carefully reviewed your latest discovery proposal; I am attaching our response. In the interest of reaching an agreement and for settlement purposes only, we have tried to accommodate most of your requests, even though we feel they go well beyond what is required of GIAG and AW Vlissingen under the Court's directive for "limited discovery":

- We would offer Robin Scheiner as both an individual and 30(b)(6) deponent, subject to the indicated tweaks to your list of 30(b)(6) topics.
- We would accept your expanded 2010-2014 date range.
- We would accept your edits to the keywords.
- We would produce responsive communications between GIAG or AW Vlissingen and Glencore Ltd. or AW USA LLC, as a good-faith assurance to you that no relevant emails "fell through the cracks" in earlier *Aluminum* productions.
- We would produce the requested data from AW Vlissingen.
- For GIAG, we would produce Detroit and Vlissingen aluminum holdings data.

We have recently learned that Peter Waszkis is not and was not an employee of either GIAG or AW Vlissingen. Therefore, we are removing him as a custodian.

We would produce emails sent to (not received from) Platts, Fastmarkets, and Metal Bulletin. However, we would not agree to produce communications with nonparties having no relevance to the alleged conspiracy. We would agree to produce (1) communications with co-defendants or their affiliates, and (2) internal communications referring to communications with co-defendants or their affiliates. We would not agree to produce data for categories 3 and 4 of the requests to GIAG. If we were to review hundreds of thousands of emails or more that in no way relate to the alleged conspiracy, along with collecting data for essentially all worldwide trading activity by a leading global commodities company over a five-year period—when the operative complaints make sparse allegations about GIAG and AW Vlissingen—that would transform this discovery from a roughly 4- to 6-week project into a 6-month or longer ordeal, and would cost many hundreds of thousands of dollars. This would be wildly disproportional to the needs of the case, involving enormous expense and greatly delaying the *Aluminum* litigation with no benefit to development of the relevant facts.

As I said, this offer is made in the interest of compromise and for settlement purposes only. If we do not reach a complete agreement on discovery, GIAG and AW Vlissingen reserve their rights to advocate for a different, and much narrower, scope of discovery before Judge Engelmayer, including that discovery should be confined to the new factual allegations in the amended complaints. We ask that you respond to our proposal by tomorrow evening, so that if we have an agreement,

the parties can proceed on that basis, and if not, the parties will have sufficient time to prepare their respective portions of the joint letter due on Tuesday.

All the best,

**Nathaniel Ament-Stone**  
Associate

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**From:** Jill Manning [mailto:jmanning@steyerlaw.com]  
**Sent:** Thursday, May 14, 2020 1:02 PM  
**To:** Ament-Stone, Nathaniel; 'Timothy G. Parilla'; 'Walter W. Noss'; Lauer, Eliot; Semmelman, Jacques  
**Cc:** Derek Brandt; Allan Steyer; Stephanie Hackett; Todd Schneider; Kyle Bates; Robert J Palmersheim; Anand C. Mathew; Mrkonic, Matthew G.  
**Subject:** RE: External: RE: Ali - Discovery from GIAG and Pacorini Vliss

**\*\*\*EXTERNAL EMAIL\*\*\***

Nathaniel,

Attached are proposed deposition topics for a Rule 30(b)(6) deposition of Glencore International AG.

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*In compliance with the Public Health directives concerning COVID-19, our attorneys and staff are currently working remotely from home. During this time, our attorneys and staff have full access to the firm's email and telephone message systems. You also may reach me directly by calling my cellular number listed above.*

The information contained in this email is confidential, privileged and/or may also contain attorney-client information or attorney work product. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, you are hereby notified that any review, reliance,